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Mitsuki Kumada
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12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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In re Ex Parte Application of
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17)

Mitsuki Kumada,
18)
19)

Applicant.
20)
21)

) Case Number: 22-mc-80095
22)
23)

) **DECLARATION OF MITSUKI
KUMADA IN SUPPORT OF MITSUKI
KUMADA'S EX PARTE
APPLICATION FOR AN ORDER
PURSUANT TO 28 U.S.C. § 1782
AUTHORIZING DISCOVERY FOR
USE IN FOREIGN PROCEEDINGS**
24)
25)
26)
27)
28)

I, Mitsuki Kumada, declare as follows:

1. I am a licensed medical doctor in Japan.

2. I am a sole proprietor *doing business as* Kumada Eye Clinic (the
“Clinic”).

3. The principal place of business of the Clinic is located at 1-16-1 Akutami
Minamiyama, Gifu-shi, Gifu 501-3133 Japan.

4. The Clinic is an ophthalmology clinic.

5. I am the Director of the Clinic, and as the Director of the Clinic, I oversee
the business operations of the Clinic and have personal knowledge of the affairs of the
Clinic.

6. I have personal knowledge of each of the matters stated herein.

7. I submit this declaration in support of Mitsuki Kumada's *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in Foreign Proceedings.

8. Many prospective and current patients of the Clinic find and contact the Clinic by searching for the Clinic on the Google search engine.

9. The Clinic maintains a Google My Business account, by which the Clinic is able to edit its business profile, including its physical location, that appears on various services operated by Google, including the Google search engine and Google Maps.

10. When prospective patients search for the Clinic on the Google search engine, the Clinic's Google business profile contained on the Clinic's Google My Business account and reviews and ratings of the Clinic are displayed as Google search results and on Google Maps.

11. The Clinic's Google Maps Place ID is "ChIJ_ZdLBxgHA2ARsc4mjYkNwbc" and a sample Google Maps review of the Clinic can be viewed at:

https://www.google.com/maps/contrib/116695234689465416009/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc.

12. On April 3, 2021, Japan time, an anonymous individual (the “**First Anonymous Individual**”), using the Google Account with the display name of “*Muto Hiroshi*” (“武藤寛” in Japanese) (the “**First Google Account**”), rated the Clinic with a one-star rating without a descriptive review of the Clinic. Subsequently, on or around May, 2021, the First Anonymous Individual added a review of the Clinic to Google Maps (the review and the rating by the First Anonymous Individual are collectively the “**First Review**”).

13. On June 30, 2021, Japan time, an anonymous individual (the “**Second Anonymous Individual**”), using the Google Account with the display name of “Watanabe Nozomi” (“渡辺希” in Japanese) (the “**Second Google Account**”),

1 published a review of the Clinic to Google Maps and rated the Clinic with a one-star
2 rating (the “**Second Review**”).

3 14. On June 30, 2021, Japan time, an anonymous individual (the “**Third**
4 **Anonymous Individual**”), using the Google Account with the display name of “*m*
5 *NAGASE*” (the “**Third Google Account**”), rated the Clinic with a one-star rating
6 without a descriptive review of the Clinic (the “**One Star Rating**”, and collectively with
7 the First Review and the Second Review, the “**Subject Reviews and Ratings**”).
8 Attached as **Exhibit 1** is a true and correct copy of each of the Subject Reviews and
9 Ratings and their respective web page addresses.

10 15. Sometime before September 14, 2020, Japan time, an anonymous
11 individual (the “**Fourth Anonymous Individual**”, and collectively with the First
12 Anonymous Individual, the Second Anonymous Individual, and the Third Anonymous
13 Individual, the “**Anonymous Individuals**”), using a Google Account which display
14 name is unknown (the “**Fourth Google Account**”), without the permission of the
15 Clinic, added a location of the Clinic that does not exist to Google Maps (the “**Location**
16 **Edit**”). Attached as **Exhibit 2** is a true and correct copy of the correct location of the
17 Clinic being shown on Google Maps. Attached as **Exhibit 3** is a true and correct copy of
18 the Location Edit, which is an incorrect location of the Clinic that was added by the
19 Fourth Anonymous Individual shown on Google Maps.

20 16. Internet users with a Google Account can suggest new locations of
21 businesses through Google Maps.

22 17. Because many of the Clinic’s patients contact the Clinic through the
23 internet, the Subject Reviews and Ratings damaged the reputation of the Clinic and had
24 a significant negative effect on the Clinic’s business operations, whereby I experienced a
25 significant decrease in the number of new patients contacting the Clinic after the Subject
26 Reviews and Ratings were published.

1 18. The Location Edit caused patients to be misled as to the correct location of
2 the Clinic and caused patients to distrust the Clinic's business competence, resulting in
3 the Clinic's reputation being damaged and the Clinic's business being interfered.

4 19. Because of the closeness in time that the Subject Reviews and Ratings
5 were published (within a span of less than three months), and especially because the
6 Second Review and the One Star Rating were published on the same day, I believe that a
7 competitor published the Subject Reviews and Ratings on Google Maps.

8 20. Because the location to which the Location Edit pointed to was close-by to
9 a different ophthalmology clinic that is not the Clinic, I believe that a competitor caused
10 the Location Edit to prevent or confuse prospective and current patients from locating
11 the Clinic's correct location.

12 21. I have no means of identifying, and have been unable to identify, the true
13 identities of the Anonymous Individuals.

14 22. I consulted and hired Attorney Kazuyuki Yasuho about filing civil lawsuits
15 in Japan against the Anonymous Individuals. I was advised by Attorney Yasuho that I
16 would need to first discover the true identities of the Anonymous Individuals, because
17 the true identities of the Anonymous Individuals are necessary to file the civil lawsuits
18 against the Anonymous Individuals in Japan.

19 23. Once the true identities of the Anonymous Individuals are revealed, I
20 intend to and will file civil lawsuits against the Anonymous Individuals for damaging the
21 Clinic.

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24. The identities of the Anonymous Individuals will only be used for the purposes of pursuing civil lawsuits against the Anonymous Individuals.

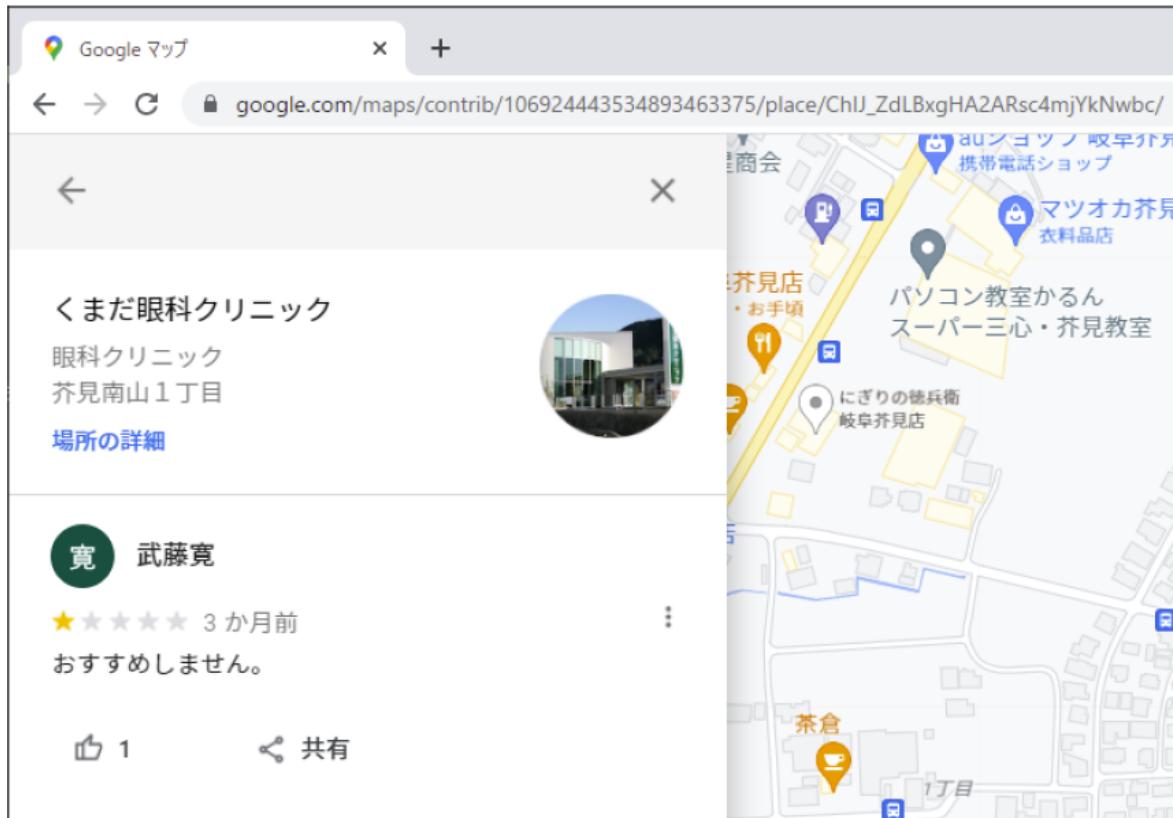
I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed on March 19, 2022.

熊田 充起
MITSUKI KUMADA

Webpage address:

https://www.google.com/maps/contrib/106924443534893463375/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc/

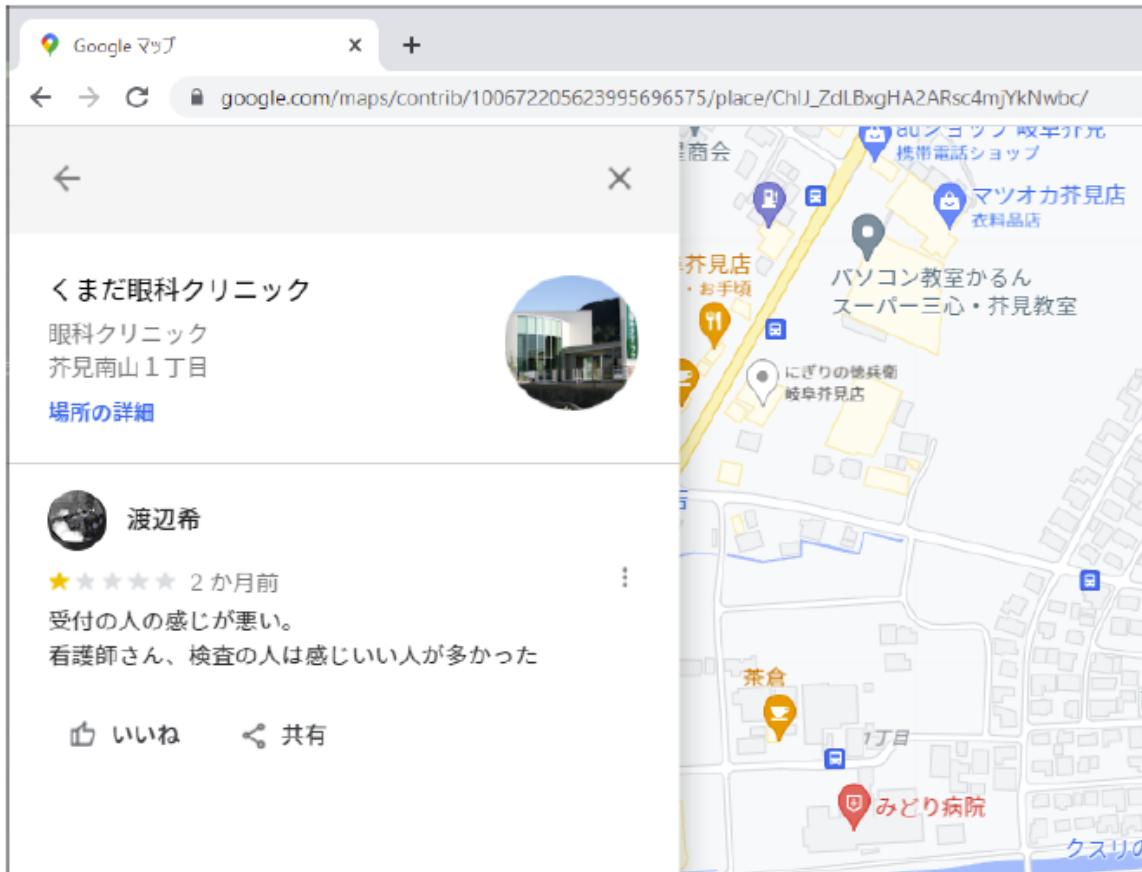


武藤寛

おすすめしません。

Webpage address:

https://www.google.com/maps/contrib/100672205623995696575/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc/



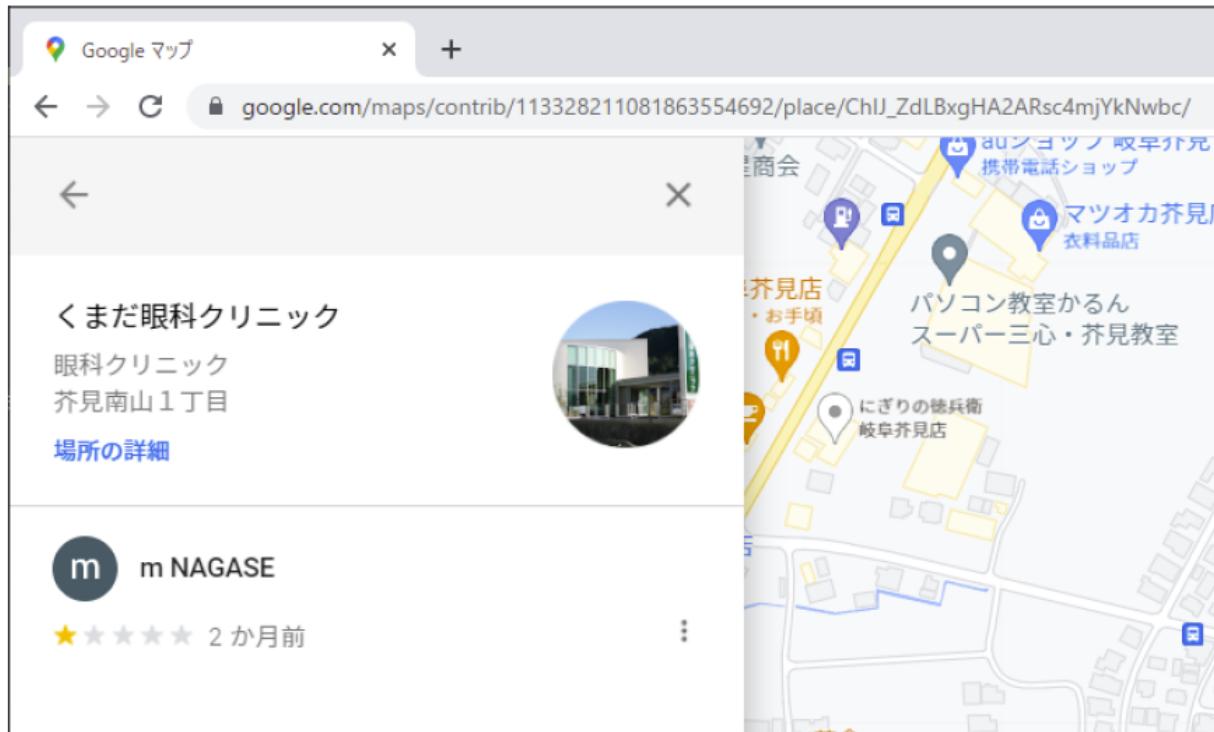
渡辺希

受付の人の感じが悪い。

看護師さん、検査の人は感じいい人が多かった

Webpage address:

https://www.google.com/maps/contrib/113328211081863554692/place/ChIJ_ZdLBxgHA2ARsc4mjYkNwbc/



m NAGASE

Webpage Address of Correct Location:

https://www.google.com/maps/place/%E3%81%8F%E3%81%BE%E3%81%Ao%E7%9C%BC%E7%A7%91%E3%82%AF%E3%83%AA%E3%83%8B%E3%83%83%E3%82%AF/@35.4555775,136.8524786,17z/data=!3m1!4b1!4m6!3m5!1sox60030718074b97fd:0xb7c10d898d26ceb1!8m2!3d35.4555732!4d136.8546673!16s%2Fg%2F1tct8m_4



くまだ眼科クリニック

3.1 ★★★★★ クチコミ 16 件
眼科クリニック

ルート・乗換
保存
付近を検索
スマートフォンに送信
共有

〒501-3133 岐阜県岐阜市芥見南山1丁目16-1

9:00開店 ~

健康、安全: 要マスク・スタッフはマスク着用
他 1 件

kumada-ganka.com

058-243-2600



Wepage Address of Wrong Location:

<https://www.google.com/maps/place/%E3%82%8C%E3%81%84%E7%A7%91%E5%9B%BD%E3%82%BF%E3%82%B9/@35.4860677,136.8656798,17z/data=!3m1!4b1!4m5!3m4!1sox60030129209cbbdd:ox1006fdfde8497fd9!8m2!3d35.4860677!4d136.8678738>

